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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/277,213	03/26/1999	YASUJI KOBAYASHI	FUJO-12,880A	3219
26304 7590 04/10/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER HOM, SHICK C				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/277,213

Applicant(s)

KOBAYASHI ET AL.

Examiner

SHICK C. HOM

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) 50, 53, 54 and 95 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/11/07 have been fully considered but they are not persuasive. In pages 8 and 9 of the remarks, applicant argued that Kunimoto et al. do not teach or suggest transmitting any control information generated by the ADP Processing Unit 100 from the Subscriber Line Interface 10 through the ATM switch 30; nor any description of control information being transmitted through the ATM switch 30 to the Subscriber Line Interface 10 is not persuasive because Figs. 5B shows the cell format in ADP processing whereby the cell comprises route information, VCN in the cell header, and effective information length in the ADP header, clearly anticipate the control information generated and transmitted by the ADP processing Unit 100 and/or processor 40 in Figs. 1-2; further, Figs. 1-2 show the control information from the control processor being transmitted through switch 30 from subscriber line interface 10-1, ... 10-j, via buses 103, 104, and 12-1, ... 12-j; and control information from switch 30 via bus 15 being transmitted to the Subscriber Line Interface 10 as argued.

Election/Restrictions

2. Claims 50, 53-54, and 95 are directed to claims non-elected and withdrawn from consideration; accordingly, claim 50, 53-54, and 95 should be cancelled.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the switch station exchanging fixed-length packet, the switch in the switch station, the control processor generating control information in LAP frame format, the intra-station device performing communication operation on a subscriber fixed-length packet, the interface unit for converting data format, and the receiving equipment must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 43-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 43-44 recite a switch station for exchanging fixed-length packet and performing a communication operation of a subscriber fixed-length packet; however nowhere in the specification is fixed-length packet nor the step of performing a communication operation of a subscriber fixed-length packet recited; further page 789 line 25 to page 790 line 13 of the specification which recite that the length of the payload being variable seems to indicate that the packet is not of fixed-length.

6. Claims 43-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 43 lines 1-2 recite the switch station comprising the interface unit and lines 14-17 recite the interface unit transmitting to the switch station is not clear as to how the interface unit being a part of the switch station transmits to itself; further line 16 which recite "said interface unit at a receiving equipment" is not clear as to whether it is reciting the interface unit of the

switch station or another interface unit at the receiving equipment. In claim 43 line 8 which recite “a subscriber fixed-length packet” is not clear as to whether it is reciting ---said fixed-length packet--- of line 1 or how a subscriber fixed-length packet is different from said fixed-length packet.

Claim 44 is rejected under 35 U.S.C. 112, second paragraph because it depends from rejected claim 43.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunimoto et al. (5,303,236).

Regarding claim 43:

Kunimoto et al. disclose the switch station, which exchanges a fixed-length packet with a predetermined format (col. 1 line 54 to col. 2 line 3 recite the ATM switching system including control signals and information being transferred in fixed-length packets), comprising:

a switch exchanging the fixed-length packet;

a control processor generating control information in a link access protocol (LAP) frame data format, which cannot be exchanged by said switch, to control operations of this switch station (col. 3 line 50 to col. 4 line 6 and Figs. 1-2 shows the processor 100 for generating control information in LAP frame data format to the switch 30; and Figs. 5B shows the cell format in ADP processing whereby the cell comprises route information, VCN in the cell header, and effective information length in the ADP header, clearly anticipate the switch, the control processor and the control information generated and transmitted by the ADP processing Unit 100 and/or processor 40 in Figs. 1-2);

an intra-station device, provided within this switch station, performing a communication operation on a subscriber fixed-length packet according to the control information from said control processor; and

an interface unit converting the data format of the generated control information into a data format of the fixed-length packet which said switch can exchange;

wherein the converted control information is communicated through, said switch, the control information is communicated according to link access protocol, and said interface unit converts the data format of the control information into the data format processed by the switch station, adds to the control information such routing information as can be identified by the switch station and routed by said interface unit at a receiving equipment, and transmits the control information appended with the routing information to the switch station (Figs. 1-2 show the control information from the control processor being transmitted through switch 30 from subscriber line interface 10-1, ... 10-j, via buses 103, 104, and 12-1, ... 12-j; and control information from switch 30 via bus 15 being transmitted to the Subscriber Line Interface 10 and

via bus 13 to the trunk line interface; and Fig. 6 shows the interface unit and col. 8 line 1-37 recite the interface unit converting the data format and inserting route information and output the new cell onto the transmission bus).

Regarding claim 44:

Kunimoto et al. disclose wherein said intra-station device comprises identifying means for identifying whether received data is subscriber data or the control information; and said intra-station device transmits the data after adding routing information, when said identifying means has received the subscribed data, to received subscriber data to be routed to a destination, and after adding the routing information, when said identifying means has received the control information, to received control information to be routed to said interface unit at said receiving equipment (col. 1 line 54 to col. 2 line 3 recite system for switching data and control signals whereby the signal frame include control information and col. 2 lines 46-52 recite the scanning unit for detecting signal frames).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHICK C. HOM whose telephone number is (571)272-3173. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pham Chi can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SH

/Chi H Pham/
Supervisory Patent Examiner, Art Unit
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